

# HOUSE BILL REPORT

## HB 1812

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**As Passed House:**  
February 26, 2011

**Title:** An act relating to community municipal corporations.

**Brief Description:** Changing provisions relating to community municipal corporations.

**Sponsors:** Representatives Kirby, Kagi and Moeller.

**Brief History:**

**Committee Activity:**

Local Government: 2/16/11 [DP].

**Floor Activity:**

Passed House: 2/26/11, 97-0.

**Brief Summary of Bill**

- Provides that community municipal corporations for cities and towns may be organized until January 1, 2012.
- Provides that voters of the city in which the service area is located, rather than only voters of the service area, decide ballot measures for the continuation of community municipal corporations and the election of community council members.

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### HOUSE COMMITTEE ON LOCAL GOVERNMENT

**Majority Report:** Do pass. Signed by 9 members: Representatives Takko, Chair; Tharinger, Vice Chair; Angel, Ranking Minority Member; Asay, Assistant Ranking Minority Member; Fitzgibbon, Rodne, Smith, Springer and Upthegrove.

**Staff:** Heather Emery (786-7136).

**Background:**

Community municipal corporations (corporations) may be organized when unincorporated territory is annexed by a city or town using certain annexation provisions if the service area: (1) would be otherwise eligible for incorporation as a city or town; (2) has at least 300

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inhabitants and 10 percent of the population of the annexing city or town; or (3) has at least 1,000 inhabitants. Corporations may also be organized when two or more cities are consolidated pursuant to specific statutory requirements.

No territory may be included within the service area of two or more corporations. After initial organization, the ongoing existence of corporations must be ratified by qualified voters within the service area of the corporation every four years.

Corporations are governed by a community council composed of five members serving four-year terms. Community council members are elected at the same elections authorizing the continued existence of the corporation. Community councils are staffed by a deputy to the appropriate city clerk. The city is required to provide the council with clerical and technical assistance and a properly equipped office. The necessary expenses of the community council must be budgeted and paid by the city.

Corporations have specific land use powers and duties prescribed in statute. The adoption, approval, enactment, amendment, granting, or authorization by the city council or commission of an ordinance or resolution applying to land, buildings, or structures within a corporation becomes effective upon either approval by the community council, or by failure of the community council to disapprove the ordinance or resolution within 60 days. Such authority applies to specified land use controls, including comprehensive plans, zoning ordinances, and subdivision plats.

In addition to powers and duties relating to the approval of zoning regulations and restrictions, a corporation acting through its community council may:

- make recommendations concerning a proposed comprehensive plan or other proposal that directly or indirectly affects the use of property or land within the service area;
- provide a forum for the consideration of the conservation, improvement, or development of property or land within the service area; and
- advise, consult, and cooperate with the legislative authority of the city on local matters directly or indirectly affecting the service area.

#### **Summary of Bill:**

The statutory authority providing for the initial organization of corporations for cities and towns expires January 1, 2012. Ballot measures ratifying the continued existence of corporations must be approved by a majority of the voters of the city in which the service area of the corporation is located. Additionally, community council members for the corporations must be elected by a majority of the voters of the city in which the service area is located. Technical corrections are made.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) Community municipal corporations (corporations) are throwbacks to 40 years ago; there are only two left in the state. Corporations have veto power over implementation of a city's land use decisions within the corporation's service area. As a result, they can force a city to have two land use policies: one for the service area, and one for the rest of the city. Administration of this kind of dual system is expensive and difficult. If a city and a corporation within its boundaries become embroiled in a lawsuit, the city must pay the costs for both sides.

This bill does not do away with corporations; however, it allows the citizens of the greater city to have a voice in the corporation's governance and continued existence.

(Opposed) None.

**Persons Testifying:** Representative Springer.

**Persons Signed In To Testify But Not Testifying:** None.